



Fisheries and Oceans
Canada

Pêches et Océans
Canada

P.O. Box 5667
St. John's, NL
A1C 5X1

March 22, 2022

Your file Votre référence

Our file Notre référence

21-HNFL-00679

Paul Curran
Small Craft Harbours
Fisheries and Oceans Canada
80 East White Hills Road
St. John's, NL A1C 5X1

Subject: Wharf Reconstruction, Phillip's Head – Implementation of Measures to Avoid and Mitigate the Potential for Prohibited Effects to Fish and Fish Habitat

Dear Mr. Curran:

The Fish and Fish Habitat Protection Program (the Program) of Fisheries and Oceans Canada (DFO) received your proposal on December 13, 2021. We understand that you propose to:

- Demolish and remove the existing wharf and launchway
- Construct a new timber crib finger pier in the same footprint as the main stem of the original pier, measuring 24.4m (L) by 6.1m (W) with a dog-leg section measuring an additional 18.3m (L) by 6.1m (W), increasing the original footprint by 141m²
- Construct a new launchway using a toe crib and 3 concrete panels measuring 18.3m (L) by 6.1m (W), increasing the original footprint by 74m²
- Dredge an area adjacent to the new wharf measuring 1020m² to a depth of -1.5m removing 750m³ of material.
- Project location: 49°13'29.28"N 55°18'23.43"W

Our review considered the following information:

- A request for review form with associated schematics;
- Additional information received via email on February 9 and February 24, 2022 (Legge/Collins-DFO)
- Additional information received via email on March 16 and March 21, 2022 (Legge/Reddick-DFO)

Your proposal has been reviewed to determine whether it is likely to result in:

- the death of fish by means other than fishing and the harmful alteration, disruption or destruction of fish habitat which are prohibited under subsections 34.4(1) and 35(1) of the *Fisheries Act*; and
- effects to listed aquatic species at risk, any part of their critical habitat or the residences of their individuals in a manner which is prohibited under sections 32, 33 and subsection 58(1) of the *Species at Risk Act*.; and
- The introduction of aquatic species into regions or bodies of water frequented by fish where they are not indigenous, which is prohibited under section 10 of the *Aquatic Invasive Species Regulations*.

The aforementioned outcomes are prohibited unless authorized under their respective legislation and regulations.

To avoid and mitigate the potential for prohibited effects to fish and fish habitat (as listed above), we recommend implementing the measures listed below:

- Limit the duration of in-water works to only activity related to the above noted project elements so that it does not diminish the ability of fish to carry out one or more of their life processes (spawning, rearing, feeding, migrating)
- Conduct in-water undertakings and activities during periods of low tide
- Implement erosion and sedimentation controls as needed to avoid the introduction of sediment into any waterbody during all phases of work
 - Install effective erosion and sediment control measures prior to beginning work in order to stabilize all erodible areas
 - Regularly inspect and maintain the erosion and sediment control measures and structures during all phases of the project
 - Regularly monitor the watercourse for signs of sedimentation during all phases of the project and take corrective action
 - Keep the erosion and sediment control measures in place until all disturbed ground has been permanently stabilized
 - Remove all exposed, non-biodegradable sediment control materials once the site is stabilized
 - Schedule work to avoid wet, windy, and rainy periods that may result in high flow volumes and/or increase erosion and sedimentation
- All materials placed in or near water should be clean, free of fines, concrete or any other deleterious substance and of sufficient size to resist displacement by wave action
- Armour stone should be blocky, angular shape and comprised of mixed gradation so that the smaller rock fill the voids between the larger rock to provide compaction and stability

- Operate heavy equipment only in stable, dry area; machinery should not be operated in water
- Rock material should not be end dumped; rather, it should be placed on station using an excavator or similar equipment
- Material used to fill a timber crib structure should never be removed directly from any watercourse or shoreline to be used as ballast
- When works are completed, shoreline and approaches should be stabilized and restored to original condition
- Be aware of AIS species in the area and take precautions with respect to any vessel traffic and gear movement between affected and unaffected areas to prevent introductions and spread (<https://www.dfo-mpo.gc.ca/species-especies/ais-eae/index-eng.html>)
 - All equipment used in water should be cleaned, drained and dried on land before and after use for the purposes of preventing the introduction or spread of aquatic invasive/non-indigenous species
 - Report any AIS and non-indigenous species to DFO at 1-855-862-1815 or AISEAE.XNFL@dfo-mpo.gc.ca.

Provided that you incorporate these measures into your plans, the Program is of the view that your proposal is not likely to result in the contravention of the above mentioned prohibitions and requirements.

Should your plans change or if you have omitted some information in your proposal, further review by the Program may be required. Consult our website (<http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>) or consult with a qualified environmental consultant to determine if further review may be necessary. It remains your responsibility to remain in compliance with the *Fisheries Act*, the *Species at Risk Act* and the *Aquatic Invasive Species Regulations*.

It is also your *Duty to Notify* DFO if you have caused, or are about to cause, the death of fish by means other than fishing and/or the harmful alteration, disruption or destruction of fish habitat. Such notifications should be directed to (<http://www.dfo-mpo.gc.ca/pnw-ppe/contact-eng.html>).

We recommend that you notify this office as well as the nearest Conservation and Protection (C&P) office at least 10 days before starting your project and that a copy of this letter be kept on site while the work is in progress. **It remains your responsibility to meet all other federal, territorial, provincial and municipal requirements that apply to your proposal.**

Please note that the advice provided in this letter will remain valid for a period of 1 year from the date of issuance. If you plan to execute your proposal after the expiry of this letter, we recommend that you contact the Program to ensure that the advice remains up-to-date and accurate. Furthermore, the validity of the advice is also subject to there being

no change in the relevant aquatic environment, including any legal protection orders or designations, during the 1 year period.

If you have any questions with the content of this letter, please contact Natasha Collins at (709) 699-9054, or by email at natasha.collins@dfo-mpo.gc.ca. Please refer to the file number referenced above when corresponding with the Program.

Yours sincerely,

Natasha Collins
A/ Senior Biologist – Regulatory Review
Fish and Fish Habitat Protection Program

Cc.: Cathy Martin, Public Services and Procurement Canada
Natasha Legge, Public Services and Procurement Canada